

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

RUSSELL KIRK ROBERTS,

Defendant.

3:20-CR-050-MMD-WGC

Preliminary Order of Forfeiture

This Court finds Russell Kirk Roberts pled guilty to Count One of a Two Count Criminal Indictment charging him with felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1). Criminal Indictment, ECF No. 1; Change of Plea, ECF No. 29; Plea Agreement ECF No. 26.

This Court finds Russell Kirk Roberts agreed to the forfeiture of the property set forth in the Plea Agreement and Forfeiture Allegation One of the Criminal Indictment. Criminal Indictment, ECF No. 1; Change of Plea, ECF No. 29; Plea Agreement, ECF No. 26.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (b)(2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement and Forfeiture Allegation One of the Criminal Indictment and the offense to which Russell Kirk Roberts pled guilty.

The following property is any firearm or ammunition involved in or used in any knowing violation of 18 U.S.C. § 922(g)(1), and is subject to forfeiture pursuant to 18 U.S.C. § 924(d)(1) with 28 U.S.C. § 2461(c):

1. a Smith & Wesson, Model 442, .38 caliber revolver bearing serial number BPF3723; and

1 2. any and all compatible ammunition
2 (all of which constitutes property).

3 This Court finds that on the government's motion, the Court may at any time enter
4 an order of forfeiture or amend an existing order of forfeiture to include subsequently
5 located property or substitute property pursuant to Fed. R. Crim. P. 32.2(e) and
6 32.2(b)(2)(C).

7 This Court finds the United States of America is now entitled to, and should, reduce
8 the aforementioned property to the possession of the United States of America.

9 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND
10 DECREED that the United States of America should seize the aforementioned property.

11 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory
12 rights, ownership rights, and all rights, titles, and interests of Russell Kirk Roberts in the
13 aforementioned property are forfeited and are vested in the United States of America and
14 shall be safely held by the United States of America until further order of the Court.

15 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States
16 of America shall publish for at least thirty (30) consecutive days on the official internet
17 government forfeiture website, www.forfeiture.gov, notice of this Order, which shall
18 describe the forfeited property, state the time under the applicable statute when a petition
19 contesting the forfeiture must be filed, and state the name and contact information for the
20 government attorney to be served with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6)
21 and 21 U.S.C. § 853(n)(2). In the alternative, if the value of the property is less than \$1,000,
22 the government may instead serve every person reasonably identified as a potential claimant
23 in lieu of publication pursuant to Fed. R. Crim. P. 32.2(b)(6)(C) with Fed. R. Civ. P. Supp.
24 Rule G(4)(a)(i)(A).

25 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual
26 or entity who claims an interest in the aforementioned property must file a petition for a
27 hearing to adjudicate the validity of the petitioner's alleged interest in the property, which
28 petition shall be signed by the petitioner under penalty of perjury pursuant to 21 U.S.C. §

853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and extent of the petitioner's right, title, or interest in the forfeited property and any additional facts supporting the petitioner's petition and the relief sought.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed with the Clerk of the Court, Bruce R. Thompson U.S. Courthouse and Federal Building, 400 South Virginia Street, 3rd Floor, Reno, Nevada 89501, no later than thirty (30) days after the notice is sent or, if direct notice was not sent, no later than sixty (60) days after the first day of the publication on the official internet government forfeiture site, www.forfeiture.gov.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the following address at the time of filing:

Daniel D. Hollingsworth
Assistant United States Attorney
James A. Blum
Assistant United States Attorney
501 Las Vegas Boulevard South, Suite 1100
Las Vegas, Nevada 89101.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency following publication of notice of seizure and intent to administratively forfeit the above-described property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send copies of this Order to all counsel of record.

DATED March 26, 2021.



MIRANDA M. DU
UNITED STATES DISTRICT JUDGE